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9 Attorneys for USACM Liquidating Trust

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re:

13 USA COMMERCIAL MORTGAGE
14 COMPANY,

15 USA CAPITAL REALTY ADVISORS, LLC,¹

16 USA CAPITAL DIVERSIFIED TRUST DEED
17 FUND, LLC,

18 USA CAPITAL FIRST TRUST DEED FUND,
19 LLC,²

20 USA SECURITIES, LLC,³

21 Debtors.

22 **Affects:**

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

22 Case No. BK-S-06-10725-LBR
23 Case No. BK-S-06-10726-LBR¹
24 Case No. BK-S-06-10727-LBR
25 Case No. BK-S-06-10728-LBR²
26 Case No. BK-S-06-10729-LBR³

27 **CHAPTER 11**

28 Jointly Administered Under Case No. BK-S-
29 06-10725 LBR

30 **NOTICE OF HEARING REGARDING
31 OBJECTION OF THE USACM
32 LIQUIDATING TRUST TO PROOF OF
33 CLAIM OF WILLIAM PANEK FILED
34 IN WRONG DEBTOR'S CASE;
35 OBJECTION OF DTDF TO PROPOSED
36 ALLOWANCE OF PROOF OF CLAIM**

37 Hearing Date: February 3, 2009

38 Hearing Time: 9:30 a.m.

39 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
40 THAT YOU FILED. PLEASE DO NOT CONTACT THE CLERK OF THE
41 BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.
42 QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A**

43 ¹ This bankruptcy case was closed on September 23, 2008.

44 ² This bankruptcy case was closed on October 12, 2007.

45 ³ This bankruptcy case was closed on December 21, 2007.

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1 **CLAIM SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP**
2 **CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.**

3 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust by and
4 through its counsel, has filed an Objection to Proof of Claim No. 10725-00368 filed by
5 William Panek (the “Objection”). The USACM Trust respectfully requests that the Court
6 enter an order pursuant to § 502 of title 11 of the United States Code (the “Bankruptcy
7 Code”), disallowing Claim No. 10725-00368 filed by William Panek in its entirety on the
8 ground that it is filed in the wrong debtor case. USA Capital Diversified Trust Deed Fund
9 (“DTDF”) objects to any allowance of Panek’s claim as a claim against the DTDF estate,
10 and appropriately allow Panek to retain an equity interest in the amount as reflected in the
11 books and records of DTDF as of April 13, 2006.

12 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
13 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
14 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
15 **February 3, 2009, at the hour of 9:30 a.m.**

16 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON**
17 **FEBRUARY 3, 2009, WILL BE HELD FOR THE PURPOSE OF STATUS**
18 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
19 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

20 **NOTICE IS FURTHER GIVEN** that any response to the Objection must be filed
21 by **January 27, 2009,** pursuant to Local Rule 3007(b), which states:

22 If an objection to a claim is opposed, a written response must
23 be filed and served on the objecting party at least 5 business
24 days before the scheduled hearing. A response is deemed
25 sufficient if it states that written documentation in support of
the proof of claim has already been provided to the objecting
party and that the documentation will be provided at any
evidentiary hearing or trial on that matter.

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If you object to the relief requested, you *must* file a **WRITTEN** response to this pleading with the Court. You *must* also serve your written response on the person who sent you this notice.

If you do not file a written response with the Court, or if you do not serve your written response on the person who sent you this notice, then:

- The Court may *refuse to allow you to speak* at the scheduled hearing; and
- The Court may *rule against you* and sustain the objection without formally calling the matter at the hearing.

Dated: January 2, 2009

LEWIS AND ROCA LLP

By: /s/ RC (#6593)
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Counsel for USACM Liquidating Trust

Copy of the foregoing e-mailed ,
or mailed via First Class U.S. Mail to
the following party on January 2, 2009 to:

Willliam Panek
106 Mango Ct.
Hendrson, NV 89015

By /s/ Yvonne Garcia
Yvonne Garcia,
Lewis and Roca LLP